IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 986 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 13/04/2005 in WP NO : 14516 OF 2004 on the file of the High Court.)

Between:

Yadavalli Sri Durga Devi, W/o Venkateswar Rao,
R/o Dwaraka Tirumala Village and Mandal, West Godavari District.

..... APPELLANT

AND

1 The Mandal Revenue Officer, Dwaraka Thrirumala Mandal,
West Godavari District.
2 Grampanchayat Dwaraka Thirumala rep., by its Secretary,
Dwaraka Thirumala Mandal, West Godavari District.
3 Chilukuru Chandra Shekar,
6th Ward Member, Dwaraka Thirumala Village and Mandal,
West Godavari District.

.....RESPONDENTS

Counsel for the Appellant: MR.P.PRABHAKAR RAO

Counsel for the Respondent NO. 1: GP FOR REVENUE

The Court made the following ORDER:

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THE HONOURABLE SRI JUSTICE B.SUDERSHAN REDDY

AND

THE HONOURABLE SRI JUSTICE C.V.RAMULU

W.A. NO.986 OF 2005

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ORDER: (Per Sri BRSR.J)

We do not find any error to have been committed by the learned single Judge in dismissing the writ petition. We have perused the counter affidavit filed by the respondent in which it is inter alia stated that when the notice was sought to be served upon the person who is in occupation, it was refused. It is also stated that the question of issuing notice to the appellant-writ petitioner as such does not arise since she is not residing in the village for the last more than 14 years.

According to the averments made in the affidavit filed by the Mandal Revenue Officer, the appellant-writ petitioner is not residing in the site in respect of which she was granted patta and she is a permanent resident of Jalapavarigudem. These are all questions of facts, as rightly observed by the learned single Judge, which cannot be gone into by this Court in a judicial review proceeding. At any rate, we are not satisfied with the bona fides on the part of the appellant in securing the house site patta.

For the aforesaid reasons, we are not inclined to interfere with the order passed by the learned single Judge. The writ appeal shall accordingly stand dismissed. No costs.

(B.SUDERSHAN REDDY,J)

dt.25.4.2005

(C.V.RAMULU,J)

msv.

To

1 The Mandal Revenue Officer, Dwaraka Thrirumala Mandal,
West Godavari District.
2 The Secretary, Grampanchayat Dwaraka Thirumala,
Dwaraka Thirumala Mandal, West Godavari District.
3 Two CCs to G.P. for Revenue, High Court of A.P., Hyderabad.

4 Two CD Copies